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CALIFORNIA FLORIDA LOUISIANA MISSISSIPPI NEW YORK OHIO TEXAS WASHINGTON, DC

January 21, 2016

*Via CM/ECF only*

Hon. George B. Daniels, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1310  
New York, NY 10007

**Re:** Enoch Persad v. JP Morgan Chase Bank, NA, et al  
United States District Court, Southern District of NY  
Civil Action No.: 1:15-cv-09128-GBD

Dear Judge Daniels:

We represent Defendant U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee for Bear Sterns Asset Backed Securities I Trust 2006-HE5, Asset-backed Certificates, Series 2006-HE5 ("USB"), which was sued improperly as LaSalle Bank NA as Trustee for Securitized Trust Bear Sterns Asset Backed Securities I Trust 2006-HE5.

We request an extension of time to answer or move with respect to the Amended Complaint filed by Plaintiffs Enoch Persad and Meenawattie Persad through February 9, 2016. In accordance with Your Honor's Individual Practice Rules, Defendants state the following:

- i. USB has no record of being served. Upon information and belief, Plaintiff attempted to serve USB's predecessor, pursuant to Federal Rule of Civil Procedure 4(d), by mailing the Summons and Amended Complaint to Bana Holding Corp. ("BHC"). It is unclear if BHC signed the waiver, but USB respectfully submits that any attempted service on its predecessor does not constitute valid service upon it. Given the foregoing, Defendant respectfully submits that its time to respond to the Complaint has not yet begun to run.
- ii. This is Defendant's first request for an extension.
- iii. As noted, there were no prior requests for an extension.
- iv. Plaintiff's counsel Steven Rabitz consents to an extension through February 9, 2016.



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USB requires an extension in order to investigate the allegations in Plaintiffs' Amended Complaint.

Thank you for your consideration.

Respectfully submitted,

McGlinchey Stafford, PLLC

By: Richard J. Pelliccio  
Richard J. Pelliccio

cc:

Hon. Ronald L. Elliss, U.S.M.J. (by ECF)

Steven Rabitz, Esq. (counsel for Plaintiff) (By ECF)

Brian P. Scibetta, Esq. (Counsel for Def. JP Morgan Chase) (By ECF)